



Attorney Docket 017498/0155

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Takahiro OCHI  
Title: BIOMATERIAL  
Appl. No.: 09/854,671  
Filing Date: 05/15/2001  
Examiner: S. Saucier  
Art Unit: 1651

**INFORMATION DISCLOSURE STATEMENT**

**Mail Stop Fee Amendment**  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on a Form PTO/SB/08 is a listing of documents known to applicant in order to comply with applicant's duty of disclosure pursuant to 37 CFR § 1.56. Copies of the listed documents are being submitted to comply with the provisions of 37 CFR § 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE AND FEE**

The instant Information Disclosure Statement is being filed in compliance with 37 C.F.R. § 1.97(c) prior to the mailing date of either a final action or a notice of allowance.

**RECEIVED**  
AUG 18 2003  
TECH CENTER 1600/2900

Accordingly, pursuant to 37 CFR §1.97(d), a statement or fee is required. The fee set forth in §1.17(p) is enclosed.

**CONCISE EXPLANATION OF RELEVANCE**

Documents A6 and A7 were cited in a corresponding Japanese patent application. Documents A6 and A7 are in Japanese.

Document A6 was cited for disclosing calcium phosphate and osseous cell aggregate combinations.

Document A7 was cited for disclosing calcium phosphate sintered compact with spherical pores.

An English translation of documents A6 and A7 are not readily available; however, English language abstracts are provided herewith. The absence of such translations does not relieve the PTO from its duty to consider the submitted document (37 CFR § 1.98 and M.P.E.P. § 609).

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date August 13, 2003

By Martin S. Sulsky

FOLEY & LARDNER  
Customer Number: 22428

Richard L. Schwaab  
Attorney for Applicant  
Registration No. 25,479



22428

PATENT TRADEMARK OFFICE  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5109  
Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

Martin S. Sulsky  
Registration No. 45,403

RECEIVED

AUG 18 2003

TECH CENTER 1600/25

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.



MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

- Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**Date Submitted: August 13, 2003

(use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

Application Number	09/854,671
Filing Date	05/15/2001
First Named Inventor	Takahiro OCHI
Group Art Unit	1651
Examiner Name	S. Saucier
Attorney Docket Number	017498-0155

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A6	JP	10-243996		MATSUDA et al.	09/14/1998		
	A7	JP	2000-302567		IMURA et al.	10/31/2000		

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

RECEIVED  
AUG 18 2003  
TECH CENTER 1600/2900

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.